



AUSTRALIAN CAPITAL TERRITORY

Unlawful Games (Amendment) Act 1991

No. 16 of 1991

An Act to amend the *Unlawful Games Act 1984*

[Notified in ACT Gazette S29: 24 April 1991]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Unlawful Games (Amendment) Act 1991*.

Principal Act

2. In this Act, “Principal Act” means the *Unlawful Games Act 1984*.¹

Insertion

3. After section 6 of the Principal Act the following section is inserted:

Exception—two-up on Anzac Day

“6A. (1) A game of two-up played on Anzac Day is not an unlawful game if—

- (a) the premises, if any, on which the game is played is not a common gaming-house;

- (b) no payment or other benefit is given or sought for the right to enter a place for the purpose of participating in the game;
- (c) no payment or other benefit is given or sought for the right to participate in the game (otherwise than by the placing of a bet); and
- (d) no commission on, percentage of or fee for bets or winnings is given or sought by any person.

“(2) A game of two-up played on Anzac Day on the premises of a club and involving the giving or seeking of such a payment, benefit, commission, percentage or fee is not an unlawful game if—

- (a) those premises are not a common gaming-house;
- (b) the playing of the game is authorised by the club;
- (c) all payments or other benefits involved are authorised by the club to be disposed of in their entirety for the benefit of a charitable purpose or a community organisation and are not to form part of the funds of the club; and
- (d) any other prescribed requirements are complied with.

“(3) If a game of two-up played on Anzac Day is an unlawful game, a participant in the game is not guilty of an offence under section 6 unless it is proved that the participant knew or could reasonably be expected to have known or suspected that the game was an unlawful game.

“(4) In this section—

‘Anzac Day’ means 25 April in any year;

‘charitable purpose’ includes any benevolent or philanthropic purpose;

‘club’ means a body corporate that is the holder of a club licence under the *Liquor Act 1975*;

‘common gaming-house’ has the same meaning as in the Gaming and Betting Act, 1906 of the State of New South Wales in its application in the Territory;

‘community organisation’ means a society, association or other body, whether incorporated or not, which is not carried on for the pecuniary profit or gain of its members and which is engaged in the Territory in any of the following activities:

- (a) providing assistance in connection with the social welfare needs of the community;

- (b) the carrying out of projects, or the provision of services, for the benefit of the community or a section of the community;
- (c) the promotion of, the provision of facilities for, or the encouragement of participation in, any sport or recreational pursuit;
- (d) the promotion, or the encouragement of the practice, appreciation, understanding or enjoyment, of any of the arts;
- (e) conducting conventions, jamborees and other events that are designed to attract participants to the Territory from places outside the Territory;
- (f) the study of, research into, or the fostering of interest in, history or matters of historic significance;
- (g) the preservation or protection of the national estate or the restoration, reconstruction or adaptation of the national estate for conservation purposes;

‘two-up’ means the game commonly known as two-up.

“(5) In this section, a reference to a game of two-up shall be read as including a reference to betting and side betting associated with the game.”.

NOTE

1. Ordinance No. 21, 1984 as amended by No. 67, 1985; Nos. 35 and 61, 1987; Nos. 21 and 38, 1989.

[Presentation speech made in Assembly on 16 April 1991.]

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